



Mar 13 2009  
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March 13, 2009

By E-mail and Mail

Hon. Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*,  
MDL No. 1358, Master File No. 1:00-1898 (SAS)  
This document relates to:  
*City of New York v. Amerada Hess, et al.*, 04 CV 3417 (SDNY)

Dear Judge Scheindlin:

I write in response to the March 12, 2009 letter from Peter Sacripanti seeking a three week extension of the deadline for expert discovery. The City of New York ("the City") agrees with Defendants that the expert discovery schedule negotiated by the parties and ordered by the Court in CMO 47 provides a very short time period for the parties to depose experts. Because of the impending trial date, the City has been unwilling to agree to a wholesale extension of the expert discovery deadline. Instead, in order to adhere to the schedule, the City was prepared to proceed with multiple depositions at once and expected that Defendants could do the same.

Nonetheless, having received 17 additional expert reports from Defendants this week, with one final report due in little more than a week, the City is willing to agree to the three week extension requested by Defendants. While we are not convinced that Defendants are correct in asserting that an extension of the discovery deadline can leave other deadlines unchanged – for example, submission of witness and exhibit lists and in limine motions – we

propose to meet with Defendants next week to work out a rational and achievable schedule for individual expert depositions and to discuss any additional changes that might be needed to the schedule, excluding the deadlines for submission of dispositive motions and the trial date.<sup>1</sup>

Respectfully yours,

**Susan E.  
Amron**

Digitally signed by Susan E. Amron  
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Susan E. Amron  
Deputy Chief  
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c: Seth Ard (via email)  
All Counsel (via LNFS)

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<sup>1</sup> We will not burden the Court now by responding to Defendants' complaints about the City's discovery, other than to say that we disagree with them.